United Nations CRC/C/BTN/CO/3-5

Convention on the Rights of the Child

Distr.: General
5 July 2017

Original: English

Committee on the Rights of the Child

Concluding observations on the combined third to fifth periodic reports of Bhutan*

I. Introduction

1. The Committee considered the combined third to fifth periodic reports of Bhutan (CRC/C/BTN/3-5) at its 2198th and 2199th meetings (see CRC/C/SR.2198 and 2199), held on 17 May, and adopted the present concluding observations at its 2221st meeting, held on 2 June 2017.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/BTN/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification in 2009 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the involvement of children in armed conflict. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the adoption in 2011 of the Child Care and Protection Act and in 2012 of the Child Adoption Act, and the National Plan of Action for Child Protection as part of the eleventh Five Year Plan (2013-2018). It also welcomes the budgetary resources allocated to children's rights, in particular regarding education and health.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: violence against children (para. 24); harmful practices, especially in relation to child marriage (para. 26); children with

* Adopted by the Committee at its seventy-fifth session (15 May-2 June 2017).

GE.17-11098(E)

Please recycle

disabilities (para. 32); education (para. 39); children of ethnic Nepalese origin (para. 44); and economic exploitation, including child labour and sexual exploitation (para. 46).

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

5. **The Committee recommends that the State party review the Child Care and Protection Act of 2011 to include all the rights enshrined in the Convention and encompass all children, not only those considered to be in "difficult circumstances". It also recommends that the State party review its legislation to harmonize child rights-related provisions, in particular the Child Adoption Act of 2012, the Penal Code as amended in 2011, the Marriage Act as amended in 2009 and the Citizenship Act of 1985.**

Comprehensive policy and strategy

6. **The Committee recommends that the State party strengthen its efforts to effectively implement the National Plan of Action for Child Protection of the eleventh Five-Year Plan (2013-2018) and adopt a comprehensive child rights approach focusing on the rights of all children when developing the twelfth Five Year Plan.**

Coordination

7. **The Committee recommends that the State party establish a government entity with the mandate and the responsibility to coordinate all activities related to the implementation of the Convention, and provide it with the human, technical and financial resources necessary for its effective operation at the cross-sectoral, national, regional and local levels.**

Allocation of resources

8. **The Committee commends the State party for allocating resources adequate for children's rights, particularly regarding education and health, and, in the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, recommends that the State party:**

(a) **Increase the budget allocated to child protection measures and utilize a child-rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget;**

(b) **Use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child", ensuring that the different impact of such investment on girls and boys is measured;**

(c) **Seek technical assistance from the United Nations Children's Fund (UNICEF) in the implementation of these recommendations.**

Data collection

9. **The Committee welcomes the progress achieved in collecting data on child rights issues through the several surveys and studies conducted, including the study on the status of vulnerable children and the study on violence against children in Bhutan and, in the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, recommends that the State party:**

(a) **Incorporate child rights indicators into periodic data-collection systems, such as the population census;**

(b) **Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(c) **Disaggregate data by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;**

(d) **Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR).**[1]

Independent monitoring

10. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recalls its previous recommendation (see CRC/BTN/CO/2, para. 12) and recommends that the State party:**

(a) **Establish an independent mechanism for monitoring human rights, with a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints regarding violations of the rights of the child, including those related to discrimination. It should also be able to receive complaints by children in a child-sensitive and confidential manner;**

(b) **Ensure the privacy and protection of child victims and undertake monitoring, follow-up and verification activities;**

(c) **Safeguard the independence of such a mechanism, including with regards to its funding, mandate and immunities, to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(d) **Seek technical cooperation from, among others, OHCHR in this regard.**

Dissemination, awareness-raising and training

11. **While welcoming the progress achieved in disseminating information on and creating awareness of children's rights, the Committee recommends that the State party:**

(a) **Strengthen its awareness-raising programmes, including campaigns, to reach all children, in particular children in remote areas, children with disabilities, children of ethnic Nepalese origin and children living in monasteries;**

(b) **Conduct targeted and sustained training to the judiciary, education professionals, health workers and the media on children's rights;**

(c) **Include human rights education in the official curriculum at all levels of education, as previously recommended (see CRC/C/BTN/CO/2, para. 20).**

Cooperation with civil society

12. **The Committee recalls its previous recommendation (see CRC/C/BTN/CO/2, para. 16 (a)) and recommends that the State party involve civil society organizations working with and for children more systematically through all stages of implementation of the Convention.**

Children's rights and the business sector

13. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, and with reference to the United Nations Guiding Principles on Business and Human Rights, the Committee recommends that the State party:**

[1] OHCHR, *Human Rights Indicators. A Guide to Measurement and Implementation* (Geneva, 2012). Available from http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf.

(a) **Formulate and implement regulations to ensure that the business sector, in particular private education providers and the tourism industry, complies with international and national human rights and labour standards with regard to children's rights;**

(b) **Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of child sex tourism and disseminate widely the charter of honour for tourism and the World Tourism Organization Global Code of Ethics for Tourism among travel agents and in the tourism industry.**

B. Definition of the child (art. 1)

14. **The Committee urges the State party to revise the Marriage Act of 1980 to ensure that the minimum age of marriage for girls is established at 18 years, as it is for boys, in accordance with the Child Care and Protection Act of 2011, and take all measures necessary to eliminate child marriages.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

15. **While noting that discrimination is prohibited by law, the Committee recommends that the State party:**

(a) **Take prompt measures to end instances of discrimination in practice against girls, children with disabilities, children of ethnic Nepalese origin, children of single parents and undocumented children, in particular regarding the right to a nationality and education;**

(b) **Establish accessible and effective mechanisms and procedures to monitor, receive and address complaints of discrimination, in particular in circumstances of denial of school enrolment, as previously recommended (see CRC/C/BTN/CO/2, para. 26 (b)).**

Best interests of the child

16. **With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Amend the Marriage Act to ensure that child custody decisions are made on the basis of the best interests of the child;**

(b) **Finalize and adopt promptly the standard operating procedures and guidelines being developed by the National Commission for Women and Children;**

(c) **Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children.**

Respect for the views of the child

17. **The Committee welcomes the efforts made by the State party to promote children's participation, including the creation of the Bhutan Children's Parliament. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Strengthen its efforts to reach all children, in particular girls, children with disabilities, children living in remote areas, children from all ethnic origins and children who are out of school, to provide those children with the opportunities to be involved in the activities and programmes for children's participation;**

(b) **Provide appropriate training to the relevant professionals, including law enforcement personnel, the judiciary and social workers, to give the child the opportunity to be heard in judicial and administrative proceedings affecting her or him.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration, name and nationality

18. **Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee urges the State party to:**

(a) **Review the Citizenship Act of 1985 to dissociate birth registration from citizenship, simplify the birth registration procedure after the 12-month period, ensure that single mothers can register their children and ensure that children born to either a Bhutanese mother or father, including in cases when the identity of the father cannot be ascertained, are granted Bhutanese citizenship;**

(b) **Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**

(c) **Seek technical assistance from UNICEF and UNHCR in the implementation of these recommendations.**

Access to appropriate information

19. **The Committee recommends that the State party work closely with the media, including social media, to create awareness on and promote children's rights, to facilitate the development of child-friendly materials on issues of relevance to children and to put in place online safety measures, in particular regarding grooming and sexual exploitation and abuse.**

Freedom of religion

20. **The Committee notes that the Constitution guarantees the right to freedom of religion and recommends that the State party ensure to every child the right to practise freely his or her religion or belief.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

21. **With reference to its previous recommendation (see CRC/C/BTN/CO/2, para. 36) the Committee recommends that the State party review its Penal Code of 2004, in particular article 414, to define the crime of torture and other cruel, inhuman or degrading treatment or punishment in accordance with international standards, such as article 1 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

Corporal punishment

22. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Review the Penal Code of 2004, in particular article 109, to prohibit fully the use of corporal punishment in all settings, including the home, alternative care, monasteries, day care and schools; the Child Care and Protection Act of 2011; the Child Adoption Act of 2012; and the Domestic Violence Prevention Act of 2013, to prohibit unequivocally corporal punishment of children;**

(b) **Finalize promptly the initiative of the *Dratshang Lhentshog* (Commission for Monastic Affairs) to provide for alternative forms of discipline and take all measures necessary to enforce it in practice;**

(c) **Ensure that investigations, administrative and legal proceedings are initiated promptly and systematically in relation to cases of corporal punishment of children.**

Violence, abuse and neglect

23. The Committee commends the State party for the measures taken to address violence against children, such as the first national study of violence against children in Bhutan undertaken between 2013 and 2016, the adoption of legislation, the establishment of multisectoral child welfare committees and the participation in the South Asia Initiative to End Violence Against Children. The Committee is however seriously concerned about the high rates of violence and abuse experienced by children at home, in schools and monasteries, and at workplace, in particular children working in domestic service, in local businesses and in *drayangs* (entertainment centres). It is also concerned about the significant number of children reporting mental violence within their families and by their peers.

24. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and target 16.2 of the Sustainable Development Goals to end all forms of violence against children, the Committee recalls its previous recommendations (see CRC/C/BTN/CO/2 para. 49) and recommends that the State party:**

(a) **Take measures for the effective implementation of the Domestic Violence Prevention Act of 2013;**

(b) **Reinforce mechanisms for monitoring the number of cases and the extent of violence, including mental violence, abuse, neglect or maltreatment of children within the family, in schools and monasteries and workplaces, including in the informal sector;**

(c) **Ensure that professionals working with and for children, including teachers, social workers, medical professionals, members of the police and the judiciary, receive training on their obligation to report and take appropriate action in reported cases of violence affecting children;**

(d) **Ensure that reported cases of violence, abuse and neglect of children are adequately investigated, prosecuted and the perpetrators duly sanctioned;**

(e) **Strengthen support for child victims of violence, abuse, neglect and maltreatment and ensure their access to adequate services for recovery, counselling and other forms of reintegration;**

(f) **Formulate a comprehensive strategy for preventing and combating violence, including mental violence, abuse and neglect of children, focusing on community-based programmes and carry out awareness-raising and education programmes, including campaigns, with the involvement of children;**

(g) **Seek technical assistance from UNICEF in the implementation of these recommendations.**

Harmful practices

25. The Committee notes the measures taken by the State party to prevent child marriage, namely, through the Adolescent Health Programme and Education on Adolescent Sexual and Reproductive Health and participation in the Regional Action Plan to End Child Marriage of the South Asia Initiative to End Violence Against Children, but is deeply concerned about the prevalent practice of child marriage of girls, particularly in rural areas.

26. **The Committee urges the State party to strengthen its awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical**

and mental health and well-being of girls, targeting children, parents, teachers, health professionals, local authorities, religious leaders, judges and prosecutors. It further recommends that the State party seek technical assistance from UNICEF in the implementation of these recommendations.

Helplines

27. **The Committee recommends that the State party make the 1098 toll-free helpline promptly operational and promote awareness among all children at the national level on its existence and purpose.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

28. **The Committee welcomes the measures taken to provide guidance to families on child rearing and recommends that the State party:**

(a) **Strengthen its efforts to ensure that mothers and fathers share equally the responsibility for raising their children, in accordance with article 18 (1) of the Convention;**

(b) **Take measures to change the prevalent gender stereotypes concerning the tasks and roles of women and girls in the family and in the workforce.**

Alternative care

29. **The Committee appreciates the important role that monasteries have in the care and development of children deprived of a family environment and welcomes the measures taken for the modernization of their education curriculum. The Committee recommends that the State party establish an independent monitoring mechanism to ensure compliance of monasteries with national policies regarding care, development, education and disciplining of children. This mechanism should be able to carry out unannounced visits and receive and deal with complaints concerning child abuse or ill-treatment.**

Adoption

30. **The Committee welcomes the enactment of the Child Adoption Act in 2012 and the endorsement of the Child Adoption Rules and Regulation in 2015, and recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and ensure that all safeguards are met when children are adopted in countries that are not parties to that Convention.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

31. The Committee welcomes the studies conducted by the State party regarding the situation of and the services available to children with disabilities, the endorsement of the Standards for Inclusive Education at the National Education Conference, held in January 2017, and the creation of 14 inclusive education schools. The Committee is however concerned about the absence of a national law, a policy and programme on disabilities that affects the provision of adequate services to children with disabilities. The Committee is also concerned about the limited measures taken to promote inclusive education of children with disabilities.

32. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and, in particular:**

(a) **Adopt an appropriate legal human rights-based framework for children with disabilities;**

(b) **Finalize promptly the development of a national policy on disabilities;**

(c) **Develop and implement a comprehensive strategy on the rights of children with disabilities, with their full and meaningful participation;**

(d) **Develop an efficient system for diagnosing disability at an early stage;**

(e) **Establish comprehensive measures for implementing inclusive education and, in particular, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes across the whole country;**

(f) **Train teachers and education staff in inclusive education, enabling them to provide the individual support that is required by children with disabilities;**

(g) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children;**

(h) **Consider ratifying the Convention on the Rights of Persons with Disabilities.**

Health and health services

33. **While welcoming the progress made in health-care coverage in preventive services, the Committee recommends that the State party review the National Health Human Resource Development Plan to ensure the adequate distribution of health services, with particular attention to rural and poor urban areas.**

Nutrition

34. **While welcoming the progress made by the State party in reducing child stunting and anaemia, in the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, including stunting and wasting in children under 5 years of age, the Committee recommends that the State party strengthen its efforts to end chronic malnutrition of children, in particular in rural areas and poor urban areas. The Committee also recommends that the State party strengthen its ongoing efforts to promote breastfeeding and to extend maternity leave to 6 months in the private sector, as it has done for the public sector.**

Adolescent health

35. **The Committee welcomes the adoption of the National Adolescent Health Strategy 2013-2018 and, in the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, it recommends that the State party:**

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;**

(b) **Promote access to information and services for girls and boys to reduce adolescent pregnancies and increase access to contraceptives, particularly in rural areas and conduct awareness-raising campaigns on the harmful effects of teenage pregnancies;**

(c) Decriminalize abortions in all circumstances and review its legislation with a view to ensuring girls' access to safe abortion and post-abortion care services. Their views should always be heard and given due consideration in abortion decisions;

(d) Develop a comprehensive national policy on child mental health, ensuring that mental health promotion and child-friendly mental health services are available in primary health care, schools and communities;

(e) Provide the resources adequate for the implementation of the national action plan to address child suicide;

(f) Strengthen the provision of dietary food supplements in the school feeding programme to address iron deficiency, especially among adolescent girls;

(g) Develop programmes of education and awareness-raising on the harmful effects of smoking, alcohol and substance abuse among adolescents and on the promotion of healthy lifestyles, and provide counselling and rehabilitation services for adolescents who smoke and engage in substance abuse.

Impact of climate change on the rights of the child

36. **The Committee welcomes the adoption of the second National Adaptation Programme of Action to reduce climate change-related risks and vulnerabilities and, drawing attention to target 13.5 of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management, it recommends that the State party:**

(a) Ensure that the special vulnerabilities and requirements of children, as well as their views, are taken into account when developing policies and programmes addressing the issues of climate change and disaster risk management;

(b) Increase children's awareness and preparedness for climate change and natural disasters by incorporating these issues into the school curriculum and teachers' training programmes;

(c) Develop sustainable systems for water management and supply to address the drying up of spring water sources and prevent children from having to carry water to help their families.

Standard of living

37. **The Committee draws attention to target 6.2 of the Sustainable Development Goals on providing access to adequate and equitable sanitation and hygiene for all and recommends that the State party strengthen its efforts to provide nationwide access to adequate sanitation facilities, in particular in rural and poor urban areas. The Committee urges the State party to take measures to ensure an adequate standard of living for children from economically disadvantaged families.**

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

38. The Committee welcomes the progress in reaching near universal primary education enrolment and the adoption of the strategic document entitled "Bhutan Education Blueprint 2014-2024". The Committee is however concerned about:

(a) The absence of an appropriate legal education framework, including to make primary education compulsory and to regulate private education providers, namely, in terms of curriculum and teachers' qualification;

(b) The construction of "central schools" (i.e., regional boarding schools) replacing schools in rural areas, which provide for children as young as 6 years, and the impact that may have on the child's development and right to family life;

(c) Children continuing to being denied access to education owing to lack of documentation, affecting predominantly children of Nepalese ethnic origin;

(d) The high dropout or repetition rates;

(e) The gender gap in secondary education, particularly affecting girls in rural areas, and the enduring disparities between girls and boys in gaining access to tertiary education;

(f) The lasting practice of corporal punishment in schools, notwithstanding the directive from the Ministry of Education banning it;

(g) The occurrence of peer violence and sexual harassment in schools, also affecting lesbian, gay, bisexual, transsexual and intersex children.

39. **The Committee recommends that the State party:**

(a) **Adopt comprehensive legislation on the right to education, in accordance with articles 28 and 29 of the Convention, which should make primary education compulsory and applicable to both public and private educational institutions, and should regulate private education providers in terms of the curriculum taught and the qualifications of the teachers employed;**

(b) **Conduct consultations with communities, parents and children from rural areas on any decision to close rural schools and build regional boarding schools and ensure that the cultural and emotional needs of children away from their homes are adequately met and regularly overseen to ensure their welfare;**

(c) **Review the education policy to ensure that all children in the territory of the State party, independently of their or their parents' citizenship or immigration status, have the right to have access to education and ensure that local administrative practices are aligned with such policy;**

(d) **Adopt specific programmes aimed at lowering the dropout and repetition rates in primary and secondary education, and develop and promote quality vocational training to enhance the skills of children and young people who drop out of school;**

(e) **Address the social factors, including parental support and cultural expectations on the role of girls and women, to ensure girls' equal access to all levels of education, including tertiary education, and give special consideration to education aimed at the empowerment of girls;**

(f) **Adopt national legislation to explicitly prohibit corporal punishment in all educational settings and develop public education and awareness-raising programmes, involving children, families, communities, teachers and religious leaders on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice, and to promote positive, non-violent and participatory forms of child-rearing and discipline;**

(g) **Develop and implement initiatives to combat violence, sexual harassment and bullying among children in schools, including towards lesbian, gay, bisexual, transsexual and intersex children, and train teachers and students to resolve conflicts peacefully, to create an environment of tolerance and respect;**

(h) **Seek technical assistance from UNICEF in the implementation of these recommendations.**

Early childhood development

40. **Taking note of target 4.2 of the Sustainable Development Goals on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education, the Committee recommends that the State party strengthen its efforts to provide early childhood care and education to all children and take measures to diminish progressively its reliance on funding partners and include progressively its funding in the national education budget. It also recommends that**

the State party promote gender-sensitive education from an early stage to redress gender-related gaps in education.

Rest, leisure, recreation and cultural and artistic activities

41. **With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party guarantee the right of the child to rest and leisure by adopting and implementing play and leisure policies with sufficient and sustainable resources, which provide for time and spaces for children to engage in play and recreational activities, appropriate to their age.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

42. **The Committee reiterates its previous recommendation (see CRC/C/BTN/CO/2 para. 65) and urges the State party to:**

(a) **Enhance its efforts in negotiations to find peaceful and prompt solutions for either the return or resettlement of children living in refugee camps in Nepal, with particular attention to reunification with their families;**

(b) **Ensure the transparency of the procedure for the determination of the nationality of child refugees based on the right to a nationality and the right to leave and return to one's country, with due consideration to the best interests of the child;**

(c) **Consider acceding to the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Children of ethnic Nepalese origin (Lhotshampas)

43. The Committee remains seriously concerned about the situation of children of Nepalese ethnic origin in the State party and regrets the limited information provided on the enjoyment of rights by such children, and in particular in relation to their right to a nationality, to education, to health and to enjoy their own culture, practise their own religion and use their own language.

44. **The Committee urges the State party to:**

(a) **Review the Citizenship Act of 1985 to extend citizenship to children born to at least one Bhutanese parent;**

(b) **Identify and correct practices that may discriminate against children of ethnic Nepalese origin who lack adequate documentation in their access to education and health services;**

(c) **Recognize the rights of children of ethnic Nepalese origin to enjoy their own culture, practise their religion and use their language;**

(d) **Seek the technical assistance of UNICEF in the implementation of these recommendations.**

Economic exploitation, including child labour and sexual exploitation

45. The Committee regrets that children from families facing social and economic hardships are the most vulnerable to economic exploitation, including child labour and sexual exploitation. The Committee remains concerned about:

(a) The incidence of child labour and in particular children working in subsistence agriculture, workshops, meat shops, domestic work and in the informal sector;

(b) Girls working in *drayangs* (entertainment centres) and unsuccessful initiatives by the labour department to rehabilitate and reintegrate these girls.

46. **The Committee recommends that the State party:**

(a) **Review the Labour and Employment Act of 2007 and labour regulations to ensure that children are not involved in exploitative economic activities, that the labour department has the mandate to monitor informal sector activities, and that light forms of work do not interfere with the child's right to education;**

(b) **Provide families faced with social and economic difficulties with adequate support and welfare services to prevent their children from engaging in child labour and sexual exploitation activities. Targeted programmes should be developed with the meaningful participation of children;**

(c) **Develop specific programmes and policies for the prevention, protection, recovery and social reintegration of girls working in *drayangs*, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;**

(d) **Consider ratifying the International Labour Organization Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182);**

(e) **Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office to implement these recommendations.**

Trafficking

47. **The Committee is concerned about the insufficient measures taken to address child trafficking and recommends that the State party:**

(a) **Review article 154 of the Penal Code (Amendment) of 2011 to harmonize it with article 224 of the Child Care and Protection Act of 2011, and in particular to specify the exploitative nature of the act and define it as organized crime, in accordance with international standards;**

(b) **Carry out training and capacity-building of law enforcement officials, including police, border police, prosecutors and judges, to ensure effective investigation of cases of trafficking of children and the prosecution and sanctioning of the perpetrators, paying particular attention to cases involving children subjected to forced labour and sex trafficking;**

(c) **Develop and implement standard operating procedures for the adequate identification and referral of child victims of trafficking;**

(d) **Strengthen its efforts towards relevant government agencies and officials to collect data on trafficking of children, identify and address the root causes and government responses and report on the situation of child trafficking;**

(e) **Ensure child victims of trafficking are provided with adequate assistance and protection, including the provision of temporary safe housing and gender-sensitive and psychological recovery;**

(f) **Consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.**

Administration of juvenile justice

48. **The Committee welcomes raising the age of criminal responsibility to 13 years. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:**

(a) **Review the Penal Code to give discretion to judges, in cases where deprivation of liberty is unavoidable, to consider less than half the sentence of an adult, and ensure that deprivation of liberty is only used as a measure of last resort and for the shortest time possible;**

(b) **Promote community service as an alternative measure to trial or detention, wherever possible;**

(c) **In cases where detention is unavoidable, ensure that detention conditions are compliant with international standards, including with regard to access to education and health services;**

(d) **Establish specialized juvenile court facilities and procedures with adequate human, technical and financial resources, designate specialized judges for children and ensure they receive appropriate education and training;**

(e) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(f) **Seek technical assistance from UNICEF in the implementation of these recommendations.**

J. Ratification of the Optional Protocol to the Convention on a communications procedure

89. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

K. Ratification of international human rights instruments

90. **The Committee recommends that the State party, to further strengthen the fulfilment of children's rights, consider ratifying all core human rights instruments to which it is not yet a party.**

L. Cooperation with regional bodies

91. **The Committee recommends that the State party continue to cooperate, among others, with the South Asian Association for Regional Cooperation.**

IV. Implementation and reporting

A. Follow-up and dissemination

92. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country and in child-friendly versions.**

B. National mechanism for reporting and follow-up

93. **The Committee recommends that the State party establish a national mechanism for reporting and follow-up, as a standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up**

and implementation of the treaty obligations and recommendations/decisions emanating from those mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff, and should have the capacity to consult systematically with civil society, including children.

C. Next report

55. The Committee invites the State party to submit its combined sixth and seventh reports by 1 September 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

56. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.